

A
COMMISSION
WITH INSTRUCTI-
ONS AND DIRECTIONS,
granted by His Maiestie to the Master
and Counsaile of the Court of
Wards and Liveries,

*For compounding for Wards,
Idcots and Lunaticks,*

*And given vnder His Highnesse great
Seale of England,*

The 23. of February 1617.



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M.DC. XVII.





By the King.

I A M E S, by
the grace of
G O D King
of England,
Scotlande,
France and
Ireland, De-

fender of the Faith, &c. To Our right
trusty, and right welbeloued Councillour,
Willi^a Lord Knollys, viscount Wallingford,
Master of Our Court of Wards and Liue-
ries, And to Our trusty and welbeloued
the Councell of the same Court, And to the
Master and Councell of the sayd Court for
the time being, Greeting. W H E R E A S it

doth appeare by common experience , in the course which hath beene held, sithence the first erection of Our Court of Wards and Liueries, That partly by the slackenes of the friends of the Wards , vpon the decease of the parents or Auncestours, who haue forborne to offer timely Composition , sometimes with opinion that no Tyle could be found for Vs, and sometimes with purpose to suppress the same, and partly by the sute of other men , the Custody of the bodies and lands of Our Wards, haue bene committed to such persons, some for one respect, some for another, as (notwithstanding the care and prouidence of you the Master and Councell of Our Court, to binde them in great Bonds and Couenants for the welleducating of the Children, and preservation of their inheritance) haue bene carelesse of their education, married some in meane places, committed waists and spoiles vpon their Lands , and in the ende haue exacted greater summes of money, for the marriages of such Wards, then they ought to haue done , in reason and equity ; not-with-

withstanding any their disbursements
whatsoever for passing or procuring the
same.

And whereas also Wee haue bene informed by you the Master of the sayd Court, that by reason of the great difficulties that haue beene found by the Court, vpon sight of Offices, and Surueyes onely, to set downe Compositions for Wardships and Leases of Wards lands, with such equality and moderation betweene Vs, and Our Subiects, as were iust and reasonable; and that through want of due information in that behalfe, much of the profit that might haue beene raised for Vs, hath beene diuerterred to diuers Sutors and Committees, who by obscuring the trueth of the Wards estate, and by misinforming of the Court therein, haue reaped greater profite, then was intended, if you could by ordinary meanes, haue come by the knowledge of their values; so as, both Wee haue receiued lesse then otherwise Wee shuold haue done, and the Wards found little ease in many cases.

Wherefore, for the preuenting of these and the like inconueniences, and to the end that Our louing Subiects may stand assured, That Wee desire nothing more, then that their Children and their Lands, that shall fall vnto Vs by reason of Wardships, might after their decease, bee committed to their neereſt and truſtieſt friends, or to ſuch as they by Will, or otherwiſe, ſhall commit the chrage vnto, vpon ſuch valuable conſiderations, as are iuſt and reaſonable: And to the intent that the Parents and Aunceltours, may depart in greater peace, in hope of this Our gracious fauour; and their friends may ſee their Children brought vp in piety and learning; and may take ſuch care as is fit, for the preſeruation of their inheritance, if they will ſeek the ſame in time, and by ſuch meanes as are fitte and conuenient, Wee haue thought good heereby to require you, the Maſter and Councel of Our ſaid Court, and the Maſter and Councell of the ſayde Court for the time beeing, that in diſpoſing and committing of the Cuſtody of the bodies

dies

5

dies and Lands of such our Wards , whose Ancestours haue deceased since Ianuary last past, or shall die from and after the date of these presents , and of such Ideots and Lunatickes, and their estates, as shall fall vnto vs from hencefoorth, you strictly and carefully obserue these our Directions following.

FIRST, That no Graunt or promise bee made of the custody of the body or lands of any Ward , nor any composition for the same , vntill the end of one moneth next after the death of the Ancestour of the Ward , to the end that the nearest and trustiest friends of the Ancestour, or other persons nominated by the Ancestour in that behalfe , may in the meane time become Sutors for the same , among whom choice may be made of the best and fittest.

Also you shal do by your best endeouours to informe your selfe as particularly as you may, by Commission, suruey, or otherwise,

wife of the trueth of the Wards estate, aswell of his inheritance, as of his goods and chattels, and of the estate of the deceased Ancestour, and of all other due circumstances considerable, to the end the compositions may be such, as may stand both with Our reasonable profit, and with the abilitie of the heires estate.

THat all sales and compositions for Wardships of the bodies, and Leases of Lands, be made by the Master of the said Court, and by such persons as are authorized by Statute in that behalfe. Neuertheles, the Surueyour of the Liueries, the Attorney of the Wards, Receiuer and Auditours, or any foure of them without the Master, may treat with any to bring the said Wardships and Leases to a price, openly in the Councell Chamber of the Court of Wards, and acquaint the Master therewith, in whose power it shall be to allow or disallow of the same according to the said Statute.

THat no Wardships of the body or land shall bee giuen or granted to any person,

son, or at his suite, in way of reward or benefit, but the best price and value that shall bee offered, shall be taken to Our vse: so alwaies as the neereſt and truſtieſt friends, or the persons nominated by the Anceſtour, (they seeking the ſame in time conuenient, as aforeſaid, and making fit offer for it) bee preferred, and conſideration had of the Wards Eſtate, and of all due circumſtances conſiderable in ſuch caſes.

THat Leaſes of Wards Lands bee made without Fine, for the beſt improoued yeerely Rent that ſhall bee offered, conſideration beeing had of all due Cautions, as aforeſaid.

THat ſellable Woods, and Fines of Copy-holds of Inheritance, be alſo reaſonably valued and demised with the Lands, for the beſt yeerely Rent as aforeſaid; with prouiſion for ſellable Woods. **T H A T** the Leſſees ſell them by fit portions.

THat Fines of Copy-holds for Liues, bee made and raiſed to Our vse, when

and as often as the Court shall thinke good, by certaine particular Commissioners to be appointed by the Master and Councell of our said Court, which Commissioners shall be charged to make the best of such Copieholds to bee granted, and truly to answere vnto Vs into Our receipt of Our said Court, all such summes, without fraude or couine, as by them shall haue beene receiued, due consideration being had of their paines and expences.

THat all Petitions for Compositions of Wardships (*and Leases*) be presented and ordered at the Councell Chamber of the Court of Wards, at the seuerall sittings for the Wards.

THat euery such Petition doe expresse the seuerall Counties wherein the Ancestor died seized of Lands.

THat the rate and summe agreed vpon by the Commissioners for the Composition of any Ward (*or Lease*) doe stand and be not abated in the Composition, neither in the Fine nor Rent.

That

THat no Office be found within theyere after the death of the Ancestor against Vs, or a meane tenure of Vs, (*not beeing Knights service*) for any Ward within age, vntill the Feodary or Escheator doe first acquaint the Court for further directions therein (*which the Feodary is enioyned to doe with all conuenient expedition.*)

THat not onely euery Committee (*and Lessee*) but euery Assignee of euery Committee (*or Lessee*) shall take the Oath, viz. &c. and for that purpose euery Committee (*and Lessee*) and Assignee shall bee sworne, whether hee taketh it to his owne vse, or to the vse of any other, to the ende they may both take the Oath.

THat especiall choise bee taken of the Commissioners, that take the Oath in the Countrey, so that the Oath may be truly & fully taken by the Committees (*Lessees*) and Assignees and the parties, committing trust to any other.

THat every Feodary and Escheator before the third returne of every Tearme, shall certifie into the Court a note of all Offices found in the Vacation next before, and whether a Tenure bee found for Vs in *Capite*, or by Knights service, and the names of the Ancestor, & Heire, & his age.

THat the Oath bee taken by those that are Committees or Lessees vpon neglect in *hac Verba*.

IA. P. Doe sweare, that neither I, nor any other to my knowledge, or as I beleue or haue heard, haue or hath taken any Course, or vsed any Practize, or Combination directly or indirectly, by my selfe or by any other, with any person or persons whatsoeuer, to stay or hinder the prosecution, of or for the Composition for the Wardship of the Body of D. C. or the Lease of any the said Wards Lands, with any purpose or intent whatsoeuer, that the said Wardship and Lease, or either of them by such neglect & default of prosecution, might come to me, or to any other to my vse, or by my meanes or procuremēt, or to my knowledge: So helpe me God.

That

THat you obserue the like rules, orders, cautions, and considerations, as well for Our profit, as otherwise, in committing and disposing of the Lands, sellable woods, Fines of Copyholds of inheritance, or for liues of Ideots, as by these Presents are prescribed for Wards respectiuely, according to the nature of the case: Giuing to their friends that will take charge of them, such competent allowance for their maintenance out of the estate of such Ideots, as the same will beare.

BUt touching Lunatickes, Let no composition bee taken for the committing of them or their estates: but let such care bee had therein, as they may bee freely committed to their best and neereſt friends, that can receiue no benefit by their death, and the Committees bound to anſwere, not only the values found by office, but the very iuſt value of their Estates vpon Account, for the benefit of ſuch Lunatick (if hee recover) or of the next heire; due regard being had to the paines and charges of ſuch Committees,

mittees, in keeping, maintaining, governing, and curing of the said distracted Persons.

ANd because Our purpose in this course which now is taken, is to raise with as little grievance as may bee to Our louing Subiects, that reasonable benefite which ought to come vnto Vs by the mariages of Our Wards, & by the Leases of their Lands, (whereof a great part hath bene diuered by Graunts to Committees, and otherwise) Wee doe hereby declare, That it is not Our meaning to change the course that hath bene formerly held and vsed in finding Offices, nor to presse the raising or improving of any Values or Rates in any Inquisitions; neither will We haue the Rents which shall be reserued vpon such Leases, or any such Certificates, Informations, or Instructions, as shall by any meanes be giuen or appeare, of the values of such Wards Lands or Estates, to be transcribed or transmitted to any other Court, Office, place or person, or admitted or vsed as President, Euidence, or Induce-

Inducement, to charge Our Subiects in any other payments, now or hereafter answerable vnto Vs, Our Heires or Successours, or for any other cause.

ANd furthermore Wee doe hereby require and authorize you, that you giue order, that euery person that shall prosecute such Composition, for the custody of a Ward, Ideot, or Lunatike, or Lease of their Land, or other Estate, shall before any Grant of the Body, or Lease of the Lands bee deliuered vnto him vnder the Seale of our said Court, take his corporall Oath in open Court, or by Commission (if the cause shall so require) before three Commissioners at the least, whereof one to be a Iustice of the Peace, to be certified and returned into the Court, before the deliuey of such Grant or Lease in maner and forme following. Viz.

I *A. B. doe sweare, that neither
I, nor any other to my knowledge,
haue or bath giuen, or promised, pro-
cured,*

cured, or consented to giue, or to bee giuen, any gift or reward, directly or indirectly, vnto any Officer or Officers of the Court of Wardes and Liueries, or to any other person or persons whatsoeuer, for procuring any preferment to Compound before another, or for mitigation in the price or payment, in any Composition or Contract made or to bee made, for the Wardshippe of the Body of J. S. his Maiesties Warde, and the Lease of any the sayd Wardes Lands, or for any of them: or for the mittigation of the yeerely value of the lands of any such Ward And that I wil not giue, nor any with my consent shall giue, or consent to be giuen, any gift or reward, directly or indirectly, for the causes aforesaid, or any of them: So helpe me God.

Neuer-

N Euerthelesse, Wee are well pleased and
 contented, that if any Wardship, Lease
 of land, meane rates, before or after full age,
 now bee, or hereafter shalbe concealed from
 vs, or if no suit shalbe made within one yere
 next after our Tenants death, for such
 Wardship or Lease, or if vpon suit made
 within the yeere, an office be found against
 Vs, or the finding of the office vnneccessarily
 protracted after the yeere expired, without
 iust cause allowed by the Court, that in such
 cases the Master may admit any fit person
 whatsoeuer, that shall make offer to disco-
 uer our right so concealed, or sought to be
 cōcealed, or suppressed (vpon good matter
 of prooffe shewed for vs & approued by the
 Court) to prosecute the finding of an office,
 & to passe the said Wardship, Lease or meane
 rates, without restraining or binding the
 said Court, or the partie prosecuting, accord-
 ing to the directions aboue mentioned:
 but that the Master of the said Court may
 according to the parties trauaile, expences,
 aduenture and seruice done vnto Vs, reward
 him by graunt of such Wardship, Lease or
 C meane

meane rates, in such sort as others may bee encouraged to imploy themselves in the like seruice, and all deuices and practises to deceiue and defraud Vs of Our due and iust right, be better preuented: Any thing in these Our Instructions or Directions to the contrary notwithstanding.

Provided alwayes, and Wee doe hereby declare it to be Our Will and Pleasure, that where it shall appeare to you, that neither Wee nor Our Progenitours haue enioyed any benefit, by Wardship, Liuerie, Primer seisin, reliefe, respite of homage, Fines, or meane rates of any lands, within the space of threescore yeeres last past, where such benefit ought to haue come to the crowne if such Tenure had beene acknowledged, In such cases We are pleased to giue you power and authority, to remit and release all such benefit, and profit, as haue or ought to haue accrued vnto Vs, or to Our Progenitours, by reason of any such Tenure; allowing to such persons as haue prosecuted in Our behalfe, such part thereof, as shall seeme good in your discretion, not exceeding a
third

third part of the whole, as the same shall be found by Inquisition, sauing to Vs, Our Heires and Successors, the right and inheritance of Our Tenure, and sauing Our Pre-rogatiue, and the benefit and profit of such Tenures of Vs, or Our Progenitors, as doe expressly appeare by matter of Record, and also such as haue bene created, or otherwise come vnto Vs, within the same time of threescore yeeres.

ANd now, as Wee haue so sufficiently directed you, as We make little doubt but you will be carefull of Our profit, in the execution of your place; so neuerthelesse, Wee let you likewise know hereby, That seeing Our owne iudgement tells Vs, that there may fall into your considerations, many circumstances which must guide you, in assessing the Fines for the marriages of Our Wards, and renting of their Lands, some arising either out of the broken estate of the deceased, want of prouision for his wife, his great charge of children vnprouided for, infirmity or tenderneesse of the Heire, vncertainty

tainty of the Title, or greatnesse of incum-
 brance vpon the Land; so as some Heire,
 that may in respect of his degree, or blood,
 or liuing, in opinion of the world, bee iudg-
 ed to deserue a greater Rent or Fine, then
 some other persons more obscure, may yet
 in regard of the causes aboue mentioned, or
 some other of like sort, be lesse fit to haue a-
 ny great charge laid vpon him: We do there-
 fore, notwithstanding any thing contained
 in these Our Instructions, giue you full li-
 berty, that as these, or any other thelike con-
 siderations shall offer themselues vnto you,
 you may vse that good discretion and con-
 science which is fit, in mittigating or aba-
 ting the Fines or Rents, vpon the saide
 Graunts or Leases, to the reliefe of such ne-
 cessities: So, alwaies as care bee taken, that
 by any such pretences, that profite which
 should accrue vnto Vs, bee not diuerted to
 any others, that shall seeke to draw to them-
 selues a priuate benefit out of this Our gra-
 cious care and consideration.

Lastly

L Astly Our Will and Pleasure is, and We
 doe hereby direct and authorize you the
 Master and Councell of the said Court, and
 the Master and Councel of the same for the
 time beeing, that with the aduice of Our
 Iudges, Assistants of Our said Court, you
 diligently examine, search out and reforme
 all fraudulent deuices and practises, deuised,
 or to be deuised and put in vre, to deceiue or
 defeat Vs of Our Wardships, or Leases of
 Our Wards Lands, or of any due or iust
 benefite belonging vnto Vs, by reason of
 Our Tenures. In Witnesse wherof, We haue
 caused these Our Letters to bee made Pa-
 tents.

*Witnesse Our selfe at Westminster, the three
 and twentieth day of February, in the fifteenth
 yeere of Our Reigne of England, France, and
 Ireland, and of Scotland the one and fiftieth.*

